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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
FRANCIS, MARK P	

ART UNIT	PAPER NUMBER
2193	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/721,812	KNUTSON ET AL.	
	Examiner	Art Unit	
	Mark P. Francis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed on November 24, 2003.

2. Claims 1-22 have been examined.

Oath/Declaration

3. The Office acknowledges receipt of a properly signed oath/declaration filed November 24, 2003.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3,4-21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1,4,5 and 22 recite the limitation "the testing" in lines 6 and 8, respectively. There is insufficient antecedent basis for this limitation in the claim. Applicant did not introduce the limitation in the present claim or in a previously referenced claim.

For examination purposes, claims 1,4,5, and 22's limitation "the testing" will be interpreted as "a testing".

The rejection of the base claims are incorporated into the rejection of their dependent claims.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1 and 4,

Applicant defines in a system for planning a development project having a planned number of project components to be completed along with the project being divided into a series of development periods that comprises two windows that display graphs that correspond to the total work and the total resources for the development of project components, respectively during at least one development period. Applicant has failed to define or show, anywhere in the claim the system being executed or performed by hardware. Thus, the claim as a whole can be implemented using software means only and does not result in a tangible practical application under 35 U.S.C. 101.

As a suggestion, Applicant could add the phrase "having a processor" to the preamble to correct this matter.

The rejection of the base claim are incorporated into their dependent claims.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-16 and 20,22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hecksel. (U.S. PGPUB 2004/0243968)

Independent claims

With respect to claims 1 and 4, Hecksel discloses in a system for planning a software development project having a planned number of project components,(Col 1:005, "...eXtreme Programming(XP)...", Col 2:0015, '...Extreme Programming...") wherein the project is divided into a series of development periods,(Col 2:0032, "...A software project may include, but is not limited to, conception, design, development,...") with each project component assigned to one of the development periods, (Col 3:0036-0038, "...The term "project context" may be used to describe the environment ...may have several components...")wherein for each development period there is a planned amount of work and a planned amount of resources,(Col 3:0036-0037, "...each component may

have a set of one or more attributes...may include one or more of, but are not limited to, size, skill level, geographic distribution...") and wherein the development project involves both the development of project components as well as the testing of project components,(Col 1:005, "...using continual testing and revision...") a graphical user interface, (Col 5:0128, "...the number of web pages(screens) the user could see within an application...for GUI..", e.g See Fig. 9 and related text) comprising:

first window means for displaying a graph illustrating both the total work and the total resources for the development of project components during at least one development period; (Col 6:0135, "...Mean, Min, and Max values are specified...")

and second window means for displaying a graph illustrating both the total work and the total resources for the testing of project components during at least one development period. (Col 11:0322, "...System 1000 may also include one or more display devices...", Col 14:0364-0366, "...provides a minimum and maximum value for each attribute...")

With respect to claims 5 and 22, Hecksel discloses a method for planning a development project using an Extreme Programming (XP) process having a planned number of project components to be completed, (Col 1:005, "...eXtreme Programming(XP)...", Col 2:0015, '...Extreme Programming...") wherein the project is divided into a series of development periods, (Col 2:0032, "...A software project may include, but is not limited to, conception, design, development,...") with each project component assigned to one of the development periods, (Col 3:0036-0038, "...The term "project context" may be used to describe the environment ...may have several

components...") wherein for each development period there is a planned amount of work and a planned amount of resources, (Col 3:0036-0037, "...each component may have a set of one or more attributes...may include one or more of, but are not limited to, size, skill level, geographic distribution...") so that for each development period there is a total of work and a total of resources associated with project components within that development period, (Col 6:0135, "...Mean, Min, and Max values are specified...") and wherein the development project involves both the development of project components as well as the testing of project components, (Col 1:005, "...using continual testing and revision...") the method comprising: providing a graphical user interface (GUI);

displaying at the GUI (Col 5:0128, "...the number of web pages(screens) the user could see within an application...for GUI..", e.g See Fig. 9 and related text) a graph illustrating for at least one development period both the total work and the total resources for the development of project components during that development period; (Col 6:0135, "...Mean, Min, and Max values are specified...", e.g. See Figs 2a,2b, and 3)

and adjusting either the planned work or the planned resources or both, so that the impact of the adjustment can be observed the first graph displayed at the GUI. (e.g. See Fig. 6b and related text)

Dependent claims

With respect to claims 2 and 6, the rejection of claims 1 and 5 are incorporated respectively and further, Hecksel discloses that the development project is a software development project. 9Col 1:0015, "...for software development projects are

described...")

With respect to claim 3, the rejection of claim 2 is incorporated and further, Hecksel discloses further comprising: a third window for displaying data underlying the graphs displayed in the first and second windows, (Col 5:0128, "...the number of web pages(screens) the user could see within an application...for GUI..", e.g See Fig. 9 and related text) wherein the underlying data in the third window may be displayed for modification, so that as the underlying data is modified,(Col 7:0178-0179, "...the model may be used midstream in a project to forecast what a potential change in the project...") corresponding modifications are made to the graphs in the first and second displays. (Col 11:0322-0323, "...may also include one or more display devices for displaying outputs...")

With respect to claim 7, the rejection of claim 2 is incorporated and further, Hecksel discloses that the development project uses an extreme programming (XP) process,(Col 2:0015-0016, "...Extreme Programming...")
and wherein the project components are defined by user stories. (Col 8:0195, "...against the customer Project Context...")

With respect to claim 8, the rejection of claim 5 is incorporated and further, Hecksel discloses that a plurality of graphs representing a plurality of development periods are displayed on the GUI. (See Figs 6a and 6B and related text)

With respect to claim 9, the rejection of claim 5 is incorporated and further, Hecksel discloses that the planned amount of work and the planned amount of resources are each expressed in hours. (Col 5:0128, "...the number of 48-hour work effort units...")

With respect to claim 10, the rejection of claim 5 is incorporated and further, Hecksel discloses that the step of adjusting planned work is accomplished by changing the number of project components within the one development period. (Col 3:0036-0038, "...The term "project context" may be used to describe the environment ...may have several components...")

With respect to claim 11, the rejection of claim 5 is incorporated and further, Hecksel discloses that a plurality of developers are assigned to the project,(Col 7:0190, "...experienced developers,...") wherein each developer has a planned level of effort for the development project, and wherein the step of adjusting is accomplished by changing the level of effort. (Col 3:0036-0038, "...The term "project context" may be used to describe the environment ...may have several components...")

With respect to claim 12, the rejection of claim 5 is incorporated and further, Hecksel discloses that each developer has a total number of hours available for the development project for the one development period, (Col 5:0128, "...the number of 48-hour work effort units...")

and wherein the level of effort is expressed as a percentage of those available hours. (Col 5:0128, "...A work/effort breakdown...")

With respect to claim 13, the rejection of claim 5 is incorporated and further, Hecksel discloses further comprising simultaneously displaying on the GUI underlying data associated with each project component, the underlying data including impact data representing an indication of whether or not the completion of the project component is mandatory. (Col 3:0036-0040, "...A project context may have several components...")

With respect to claim 14, the rejection of claim 13 is incorporated and further, Hecksel discloses that project components consist of components specified by a user and project components specified by a developer, ,(Col 7:0190, "...experienced developers,...") and wherein the mandatory project component is one specified by a developer. (Col 7:0190, "...experienced developers,...")

With respect to claim 15, the rejection of claim 5 is incorporated and further, Hecksel discloses further comprising displaying simultaneously on the GUI underlying data associated with each project component, (Col 3:0036-0040, "...A project context may have several components...")

and wherein the GUI has a first display area for displaying the first graph, a second display area for displaying the second graph, and a third display area for displaying the underlying data. (Col 5:0128, "...the number of web pages(screens) the user could see

within an application...for GUI..", e.g See Fig. 9 and related text)

With respect to claim 16, the rejection of claim 15 is incorporated and further, Hecksel discloses that the step of adjusting is performed using the third display area. (e.g. See Fig. 6b and related text)

With respect to claim 20, the rejection of claim 5 is incorporated and further, Hecksel discloses comprising, as part of the steps of displaying first and second graphs, illustrating the difference between the total work and the total resources(Col 6:0135, "...Mean, Min, and Max values are specified...")

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel (U.S. PGPUB 2004/0243968) in view of Kolawa.(U.S. PGPUB 2005/0015675)

With respect to claim 17, the rejection of claim 5 is incorporated and further,

Hecksel does not disclose that the project components are software, and wherein the testing of the project components comprises acceptance testing for each individual project component, and wherein the total work for testing illustrated at the second graph is the total work associated with acceptance testing.

Kolawa discloses that the project components are software, (Col 4:0046-0051, "...(regression testing)...the testing tools...are integrated with the check-in procedures for source control...") and wherein the testing of the project components comprises acceptance testing for each individual project component, and wherein the total work for testing illustrated at the second graph is the total work associated with acceptance testing(Col 6:0069-0071, "...it is shown in graphic form...")
in an analogous system for the purpose of preventing errors throughout the full computer software lifecycle.(Kolawa:Col 2:0022)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include acceptance test for each individual project component.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to prevent errors throughout the full computer software lifecycle.(Kolawa:Col 2:0022)

With respect to claim 18, the rejection of claim 17 is incorporated and further,

Hecksel does not disclose that the testing further comprises regression testing, and wherein the method further comprises displaying, as part of the second graph, the total work associated with regression testing for the one development period, the regression testing illustrated separately from the acceptance testing.

Kolawa discloses that the testing further comprises regression testing, (Col 1:0006, "...regression testing...") and wherein the method further comprises displaying, as part of the second graph, the total work associated with regression testing for the one development period, (Col 4:0046-0051, :...Problems found by the tool are fed back to the developers...") the regression testing illustrated separately from the acceptance testing (Col 5:0064-0066, "...such as a bug tracking system...data from testing and monitoring tools...", See Fig. 4c and related text) in an analogous system for the purpose of preventing errors throughout the full computer software lifecycle.(Kolawa:Col 2:0022)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include regression testing for each individual project component.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to prevent errors throughout the full computer software lifecycle.(Kolawa:Col 2:0022)

With respect to claim 19, the rejection of claim 17 is incorporated and further,

Hecksel does not disclose that the regression testing comprises testing a completed project component multiple times, including once after each of multiple subsequent project components are completed.

Kolawa discloses that wherein the regression testing comprises testing a completed project component multiple times,(Col 4:0051-0054, "...Problems found by the tool are fed back to the development stage...") including once after each of multiple subsequent project components are completed (Col 4:0051-0054, "....the tool can be run with or without the check-in thresholds pre-configured...") in an analogous system for the purpose of preventing errors throughout the full computer software lifecycle.(Kolawa:Col 2:0022)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include regression testing that comprises testing a completed project component several times.

The modification would have been obvious because one of ordinary skill in the art would have been motivated to prevent errors throughout the full computer software lifecycle.(Kolawa:Col 2:0022)

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hecksel (U.S. PGPUB 2004/0243968) in view of Molinari. (U.S. PGPUB 2003/0058280)

The rejection of claim 5 is incorporated and further,

Hecksel does not disclose that the first and second graphs comprise multiple bar graphs, with one of the multiple bar graphs representing total work and another of the bar graphs representing total resources.

Molinari discloses that the first and second graphs comprise multiple bar graphs, with one of the multiple bar graphs representing total work and another of the bar graphs representing total resources. (Col 17:0231, "...Bar Graph...") in an analogous system for the purpose of providing a design desktop on which the user may develop a plurality of front panels, each of which represents a complete instrument and a group of which constitutes all of the instrumentation required for a multi-instrument measurement environment or project. (Molinari:Col 2:0020)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to graphs that comprise multiple bar graphs representing both total work and total resources..

The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a design desktop on which the user may develop a plurality of front panels, each of which represents a complete instrument and a group of which constitutes all of the instrumentation required for a multi-instrument measurement environment or project. (Molinari:Col 2:0020)

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark P. Francis whose telephone number is (571)272-7956. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T.An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark P. Francis

Patent Examiner

Art Unit 2193

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100